

Annex A: IPP Guidance – Practice Advice Summary

Guidance Section	Practice Advice Point	Para Ref
3. Parole Board Policy		
	The Parole Board statutory test for release applies equally to IPP cases as for all cases. The overriding criterion is that release or re-release can only be directed if a panel is satisfied that it is no longer necessary for the protection of the public that the prisoner be confined [in prison]. Panels should not be influenced or persuaded to step outside of this core principle when making independent decisions.	3
4. Key Concerns		
	Whilst directly addressing the above issues is outside of the Board's remit, panels may wish to consider that each prisoner coming before them may have experienced or be suffering from any or all of the above to some degree. This inevitably will have had an impact on behaviour for many of them in both the custodial setting and whilst in the community on licence and is likely to have a bearing on the panel's assessment of risk.	4.18
5. HMPPS IPP Action Plan		
	Whilst these are actions for HMPPS to undertake, it is helpful for panels to be aware of this work when reviewing an IPP prisoner and it may assist with making directions.	5.2
	Panels will want to know which specific actions have been considered and undertaken in the case before them.	5.4
<i>Keyworker scheme</i>	The POM could be directed to provide information from the Keyworker in their addendum report if input from the Keyworker, or other wing staff who see the prisoner on a regular basis, is not evident to the panel.	5.9
	Directing a keyworker to attend an oral hearing should be avoided wherever possible.	5.11
<i>HMPPS Psychology Services Group</i>	Panels may wish to direct information from HMPPS PSG about specific initiatives relevant to the case before them.	5.13
<i>Progressive transfers</i>	It is important that prisoners progress down through the different levels of security categorisation.	5.17
	Panels may wish to include in the body of their Panel Chair Directions (PCDs) that a transfer will not unduly impact on the parole review which may facilitate a swifter move instead of waiting until the review is concluded. Panels may also wish to direct the newly allocated POM from the receiving establishment to attend as a witness.	5.21
<i>Progression Regimes</i>	Panels should not be asked to make a decision or provide advice about a move to a progression regime prison. This is a decision for HMPPS.	5.25

	Panels may wish to reflect in their decision that a period in such a regime may be of benefit in supporting the prisoner's eventual release. Such a move could support improving the prisoner's journey through their sentence plan, and in particular, support preparing them for reintegration back into the community.	5.26
<i>Pathways and environments</i>	IPP prisoners can have very complex needs and it is likely that many would benefit from being screened for a range of interventions.	5.32
6. Advice for panels		
	The Parole Board statutory test for release applies equally to IPP cases as for all cases. The overriding criterion is that release or re-release can only be directed if a panel is satisfied that it is no longer necessary for the protection of the public that the prisoner be confined [in prison].	6.1
<i>Pre-tariff reviews</i>	Panels will need to follow the terms of the referral and ensure each of the criteria as set out in the Secretary of State's Directions to the Parole Board on 1 August 2023 (Transfer of indeterminate sentence prisoners (ISPs) to open conditions) are met.	6.9
<i>On/post tariff reviews</i>	Previous parole decisions should be directed if not present.	6.10
	Evidence from all relevant work and interventions should be directed by panels to inform their risk assessment. Panels are encouraged not to focus solely on accredited offending behaviour programmes to provide evidence of risk reduction.	6.11
	A PRA should only be directed if all other options to secure relevant information have been exhausted.	6.13
	In cases where the challenges of establishing what has been undertaken and how the prisoner can progress are proving very difficult to unpick, panels may wish to invite the Secretary of State to provide a view or send a representative to the oral hearing to explain what officials have undertaken and achieved.	6.14
<i>Pre-release considerations</i>	Whilst panels should not prescribe specifics in relation to sentence management, they will have explored extensive evidence and will be able to identify what the outstanding areas of risk management are and can highlight these in directions and in decisions where release is not directed.	6.17
	Whilst panels can address lack of progress in the decision, if the same gap appears in several decisions with no progress, it may be something that needs to be explored at a CMC.	6.18
	Whilst panels have no responsibility for sentence planning, it is possible to suggest how progression in these cases might happen without being prescriptive.	6.19
<i>Open conditions</i>	Panels will need to follow the terms of the referral and ensure each of the criteria as set out in the Secretary of State's Directions to the Parole Board on 1 August 2023 (Transfer of indeterminate sentence prisoners (ISPs) to open conditions) are met.	6.29

<i>Approved Premises</i>	Not all cases will need an AP, and proposals about suitable accommodation should be weighed up against all factors, including other options such as support networks, geographical location, etc.	6.33
<i>Supervision on licence</i>	Panels should bear in mind that risk management plans will be subject to variation and adaptation and the key point is to be confident that dynamic risk will be professionally managed once in the community.	6.38
<i>Psychology services in the community</i>	This means that a released IPP prisoner may not always have face-to-face contact with PSG. If panels are concerned about the impact this may have on risk, they are encouraged to explore this with the COM at the oral hearing.	6.41
<i>Recalls</i>	It is required that the COM will have met with the prisoner following a recall prior to completing their report.	6.44
	Whilst the review of recall may narrow the focus onto circumstances resulting in the recall, the panel is still required to assess the totality of risk, not simply whether risk has changed since the last release.	6.46
	Where the panel is undertaking a first review following recall, they will first need to determine whether the recall was appropriate (as required by <i>Calder</i>) and then consider whether re-release can be directed.	6.48
	MCA panels may wish to consider adjourning and directing more information to see if a re-release on the papers can be made. Such cases may benefit from requesting a second member to make up a multi-member MCA panel where the panel may wish to seek a second opinion or require advice from a specialist member. This may avoid having to direct an oral hearing.	6.51
<i>Suspension of supervision</i>	Panels may wish to establish whether supervision had already been suspended before the point of recall and whether re-imposing supervision at the point of re-release would contribute to managing risk.	6.53
	Panels should be mindful of re-releasing with no supervision in place as this may create challenges in monitoring compliance with other licence conditions that may be needed.	6.55
<i>Licence termination</i>	It is best practice that a referral for the termination of the licence be combined with the review of recall, if there is one.	6.59
7. Routes for challenging decisions		
<i>Reconsideration</i>	<p>In summary, when writing decisions, panels should note that almost half of the successful reconsideration applications fall into one of the following categories:</p> <ul style="list-style-type: none"> • Procedural issues around oral hearings and adjournments; • Issues with “allegations”; and • Panels not properly explaining in their decisions disagreements with the recommendations of professional witnesses. 	7.7

8. Victims		
	Being mindful of the dignity of the victim is important when reading the VPS and considering requested licence conditions.	8.5
9. Detention for Public Protection (DPP)		
	Child offending may be important for panels to reflect on in terms of considering maturation and custodial behaviour (which most likely will be all they have known) and support arrangements in the community for an effective and successful release.	9.4
	Panels may wish to seek advice from specialist members about whether there are points to consider where professionals are using risk assessment tools that have only been validated on adults when an individual has caused harm as a child.	9.5
10. Women IPP Prisoners		
	Panels may wish to ascertain if there is WECASP involvement.	10.6
11. Mental Health		
	Panels should be mindful that the Board has no remit to provide a view on whether the prisoner should be transferred to hospital and should avoid making any such statements. However, panels can direct a psychiatric assessment as part of a parole review and may wish to comment on concerns about a prisoner's mental health raised by report writers or witnesses. This might include supporting a recommendation made by another professional that the prisoner should be assessed for a transfer to a hospital setting.	11.7
<i>IPP prisoners in secure hospitals or remitted to prison</i>	Any panel receiving a mental health case at either MCA or oral hearing who is not within the MH Cohort should check with the Secretariat before proceeding. It is likely that it has been issued in error.	11.11
<i>S117 aftercare</i>	Reinforcing the right to s117 aftercare continuing once back in prison is important. Panels may wish to reiterate in directions or decisions that HMPPS has a continuing responsibility to involve the local health authority and their delegated agents with the care of the prisoner whilst in prison.	11.15
	In some cases, the starting point is establishing who will take the responsibility for making assessments and for locating services and funding.	11.16
	It can often be helpful to seek information from the COM on the current position and how issues or challenges are being addressed by Multi-Agency Public Protection Arrangements (MAPPA).	11.18
	Directions may then need to be issued to bring the key agencies together at a CMC to establish clear expectations and timeframes, and an Executive Summary of MAPPA meeting minutes can be helpful for a panel to understand the community agencies' views on risk and involvement in risk management.	11.19

	It can be helpful to direct information on whether a Care Assessment has been carried out, whether funding arrangements with the relevant local authority have been secured, and to direct the minutes of any Care Plan Approach meeting, which would ordinarily be held in the run up to a parole oral hearing.	11.20
13. Support and Campaign Groups		
<i>Family support</i>	Where appropriate, panels may consider directing family members as witnesses.	13.1